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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**
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18 JAMIE PETTY,

19 Plaintiff,

20 vs.

21 BLUE SKIES GROUP, LLC; BLUE SKIES
22 AVIATION GROUP HOLDINGS LLC;
23 STEPHEN WILL ASHCROFT; and
24 ROBERT CAPUTO,

25 Defendants.

Case No.: 2:18-cv-0352-RFB-GWF

26 **JOINT STIPULATION AND ORDER**
27 **TO 1) WITHDRAW PENDING**
28 **MOTION TO STAY OR DISMISS**
AND COMPEL ARBITRATION; 2)
VACATE HEARING; AND 3) FOR
TEMPORARY STAY OF
PROCEEDINGS

Plaintiff, Jamie Petty (“Mr. Petty” or “Plaintiff”), and Defendants, Blue Skies Group, LLC, Blue Skies Aviation Group Holdings LLC, Stephen Will Ashcroft, and Robert Caputo (collectively, “Defendants”), by and through their respective counsel of record, hereby agree to the stipulations below.

WHEREAS, on February 26, 2018, Plaintiff filed a complaint in this matter now pending before this Court as Case No. 2:18-cv-0352-RFB-GWF (the “Litigation”). *See* ECF No. 1.

WHEREAS, on May 31, 2018, Defendants filed a motion to stay or dismiss and compel arbitration. *See* ECF No. 21.

WHEREAS, on July 16, 2018, Plaintiff filed a response to Defendants’ motion to stay or

dismiss and compel arbitration, wherein Plaintiff states that, Plaintiff “does not oppose staying this case until a panel of arbitrators determines the arbitrability of Plaintiff’s claims under the Operating Agreement or otherwise.” *See* ECF No. 25.

WHEREAS, on January 4, 2019, this Court ordered the parties to appear at a hearing, currently set for February 26, 2019, regarding Defendants’ motion to stay or dismiss and compel arbitration. *See* ECF No. 26.

WHEREAS, the parties have agreed that this case be stayed until a panel of arbitrators determines the arbitrability of Plaintiff’s claims under the Operating Agreement or otherwise, and once the panel issues a ruling, the parties will notify the Court of such ruling.

THEREFORE, the parties stipulate and agree that:

- A. Defendants shall **withdraw** the pending motion to stay or dismiss and compel arbitration (ECF No. 21);
- B. The parties request that the Court **vacate** the presently-scheduled hearing on Defendants’ motion to stay or dismiss and compel arbitration (ECF No. 21), currently set for **February 26, 2019**; and
- C. The parties request that the Court enter a temporary **stay** in this matter until resolution of the arbitration proceedings.

IT IS SO STIPULATED.

DATED this 11th day of January, 2019.

**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**

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17 *Attorneys for Plaintiff Jamie Petty*

*Attorneys for Defendants Blue Skies Group, LLC,
Blue Skies Aviation Group Holdings LLC, Stephen
Will Ashcroft, and Robert Caputo*

18 **ORDER**

19 **IT IS SO ORDERED.**

20 

21 _____
22 RICHARD F. BOULWARE, II
23 United States District Judge

24 DATED: January 14, 2019.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 11th day of January, 2019, a true and correct copy of **JOINT**
3 **STIPULATION AND ORDER TO 1) WITHDRAW PENDING MOTION TO STAY OR**
4 **DISMISS AND COMPEL ARBITRATION; 2) VACATE HEARING; AND 3) FOR**
5 **TEMPORARY STAY OF PROCEEDINGS** was served via the United States District Court
6 CM/ECF system on all parties or persons requiring notice.

7 By: /s/ Christie Rehfeld

8 Christie Rehfeld, an Employee of
9 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
10 RABKIN, LLP
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